

## REMARKS

### I. Status

Applicant respectfully requests favorable reconsideration of this application in light of the following remarks.

In the outstanding Office Action, the abstract was objected to because of informalities; claims 4-10 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite; claims 1-10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Baumann et al. (U.S. Patent Application Publication No. 2004/0243483 A1, "Baumann") in view of Moderegger et al. (U.S. Patent Application Publication No. 2002/0049642 A1, "Moderegger").

In this reply, Applicant amends claims 1-3, 5-7, and 9; cancels claims 4 and 10 without prejudice or disclaimer; and adds new claims 12-20. Claims 1-3, 5-9, and 11-20 are thus currently pending, with claim 11 withdrawn from consideration. No new matter has been added. New claims 11-20 are drawn to the elected invention of Group I as recited in the Office Action mailed January 17, 2007.

### II. Interview

Applicant thanks Examiner Milef for agreeing to discuss this application with the undersigned via telephone on August 3, 2007. During the interview, the undersigned argued that Baumann and Moderegger fail to teach or suggest several features recited in the claims. While an agreement could not be reached during the interview, Applicant thanks the Examiner for his comments and suggestions, and submits the following remarks, including arguments and newly claimed features consistent with those discussed during the interview.

### **III. Remarks on the Objection to the Abstract**

Applicant amends the specification to include a new abstract that conforms with the requirements set forth at page 2 of the Office Action. Accordingly, Applicant respectfully requests that the objection to the abstract because of informalities be withdrawn.

### **IV. Remarks on the § 112 Rejection**

Applicant cancels claim 4 without prejudice or disclaimer, thereby rendering the § 112 rejection of claim 4 (and dependent claims 5 and 6) moot. Applicant also amends claim 7 to delete “integrating said component with a system, said system including at least a second component,” thereby rendering the § 112 rejection of claim 7 (and dependent claims 8 and 9) moot. Further, Applicant has reviewed the claims and corrected minor informalities throughout the claims. Accordingly, Applicant respectfully requests that the § 112 rejection of claims 5-9 as being indefinite be withdrawn.

### **V. Remarks on the § 103 Rejection Based on Baumann and Moderegger**

Applicant respectfully requests favorable reconsideration of the rejection of claims 1-10 as being unpatentable over Baumann in view of Moderegger for the reasons set forth below.

Claim 1, as currently amended, is directed to a method of procuring a component and recites, *inter alia*, “modifying said at least one bid criterion for said component in response to said bid response being undesirable.” Claim 7, as currently amended, is directed to a computer based method of procuring a component and recites, *inter alia*, “subsequent to receiving no satisfactory bid responses, substituting at least one alternative bid criterion for said at least one bid criterion for said component.”

The Office Action concedes at pages 5 and 6 that Baumann does not disclose the modification of bid criteria and the establishment of a second bid request, and other related features, but asserts that Moderegger does teach these features. However, as discussed during the interview, the proposed combination of Baumann and Moderegger, at best, relates to extended bidding opportunities among bidders for the same item originally subject to bidding (see, e.g., paragraphs 54-56 of Moderegger).

Such extended bidding opportunities do afford the bidders the opportunity to outbid each other, which may ultimately result in a higher price once a winning bid is finally selected. However, Applicant's invention is directed to alternative strategies that can be employed when no satisfactory bids can be had for what was initially subject to bidding, no matter how many rounds of bidding are held.

In particular, Applicant submits that Moderegger does not teach or suggest "modifying said at least one bid criterion for said component in response to said bid response being undesirable" since Moderegger persists with additional rounds of bidding for the same item (see, e.g., paragraphs 54-56) rather than "modifying said at least one bid criterion for said component in response to said bid response being undesirable" and "a second bid request corresponding to said modified at least one bid criterion," as recited in amended independent claim 1. For the same reasons, Moderegger does not teach or suggest "subsequent to receiving no satisfactory bid responses, substituting at least one alternative bid criterion for said at least one bid criterion for said component," as recited in amended independent claim 7.

Accordingly, Applicant respectfully requests favorable reconsideration of the rejection of independent claims 1 and 7 (and dependent claims 2, 3, 5, 6, 8, and 9) as being unpatentable over Baumann and Moderegger.

#### **VI. Newly Claimed Features**

In order to vary the scope of protection recited in the claims, Applicant adds new claims 12-20. Claims 12-20 find non-limiting support in the originally-filed application, at least in the original claims and at paragraphs 15, 16, 21, and 27. No new matter has been added. For at least the reasons set forth above regarding independent claims 1 and 7, dependent claims 12-20 are believed to be allowable.

In addition, Applicant further amends dependent claims 2 and 9 to recite features related to subcomponents of the component that the Examiner appeared to favorably regard, subject to an updated search, during the interview. Claims 2 and 9, and all their dependent claims, are believed to be allowable at least for the reasons set forth above regarding independent claims 1 and 7.

#### **VII. Concluding Remarks**

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge  
any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: August 13, 2007

By: \_\_\_\_\_

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